IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil W.P. (M/S) No. 259 of 2006

Lekhraj S/O Sri Moti Singh,
R/O village Khusalpur, Post Bannakhera,
Tehsil Bazpur, District Udham Singh Nagar.

…. **Petitioner.**

Versus

1. Nainital Almora Kshestriya Gramin Bank Head Office Uttarayan Prakashan Building, First Floor, Nainital Road Haldwani.
2. Nainital Almora Kshetriya Gramin Bank, Ramraj Road, Branch Bazpur, District Udham Singh Nagar.
3. Collector Udham Singh Nagar, Rudrapur.
4. Tehsildar Bazpur, District Udham Singh Nagar.

… **Respondents.**

Ms. Nishat Intezar & Mr. Ahrar Baig, Advocate, learned counsel for the petitioner.
Learned Standing Counsel for the respondent no. 3 & 4.
Sri Jagdish Bisht holding Brief of Sri M.L. Sah, Adv., learned counsel for the respondent no.1 & 2.

Dated March 23, 2006.
PC:
(Hon'ble B.S. Verma, J.)

This writ petition has been moved for quashing the impugned recovery notice dated 5-5-2005 issued by respondent no.4 (Annexure- 1 to the writ petition) against the petitioner. A prayer for repayment of the amount in question by way of installments has also been made.

Brief facts of the case are that the petitioner took agricultural loan of Rs. 50,000/- on 1-8-2002 for running poultry farm from the respondent no. 1 and he was required to repay the loan within five years. Due to bird flue for continuous period, the petitioner could not repay the loan amount and he became defaulter. Ultimately, recovery citation Annexure No. 1 was issued against the petitioner by the respondent no.4. The petitioner approached the respondent bank to fix up easy instalments for repayment of loan amount but to no avail.

In the course of arguments, the learned counsel for the petitioner submitted that the petitioner is willing and ready to repay the outstanding amount under the impugned recovery citation (Annexure- 1) and he may be allowed to repay half of the amount under the impugned citation within a period of one month and for the rest of the amount, they are ready to repay the loan amount in four equal quarterly instalments. Sri Jagdish Bisht holding brief of Sri M.L. Sah, learned counsel for the Bank has no objection to the submission made by the petitioner.

Having considered the submissions of the learned counsel for the parties, the recovery under citation shall remain stayed provided the petitioner repays half of the amount under recovery citation (Annexure 1) within one month from today and the rest half of the amount under recovery citation shall be payable by them in four equal quarterly instalments (i.e within a period of one year) before the Recovery Officer. The first quarterly instalment shall fall due on 1st of May 2006 and the subsequent instalments shall fall due after every three months thereafter. It is made clear that in case of default by the petitioner, this order shall stand automatically vacated and the respondents shall be at liberty to recover the entire loan amount in lump sum.

The Writ Petition is disposed of finally with the above observation.

(B.S. Verma, J.)

RCP